

GOVERNMENT OF THE DISTRICT OF COLUMBIA
TAXI CAB COMMISSION
MINUTES: FULL COMMISSION MEETING
WEDNESDAY, MARCH 14, 2007

MEMBERS PRESENT:

Interim Chairperson:	Doreen E. Thompson, Esq.
Commissioners:	A. Cornelius Baker
	William Henry Carter IV,
	Thomas E. Heinemann,
	Inder Raj Pahwa
	Stanley W. Tapscott
	Theresa Travis

Interim General Counsel and Secretary: Marceline D. Alexander, Esq.

A. CALL TO ORDER, MOMENT OF SILENCE & DETERMINATION OF QUORUM:

Interim Chairperson, **Doreen E. Thompson**, called the meeting to order at 10:00AM. Members of the D.C. Taxicab Commission (full commission) were asked by Interim Chairperson **Doreen E. Thompson** to introduce themselves for the record and state the panel on which they serve. **Marceline D. Alexander**, detailed from the Office of the Attorney General for the District of Columbia to assist the D.C. Taxicab Commission (Commission) with legal matters was also introduced to members in the audience. **Ms. Alexander**, Interim General Counsel and Secretary, conducted a roll call and determined that there was a quorum present to conduct any business requiring a vote.

B. COMMUNICATION FROM THE INTERIM CHAIRPERSON

1. Format of the agenda and opportunity for public comment

Interim Chairperson, **Doreen E. Thompson**, inquired whether everyone had a copy of the Agenda. She stated that the public has an opportunity to comment on items as indicated on the Agenda and that the Agenda follows the format required in the Commission's rulemaking, which has a specific section for public comments. Members in the audience were also informed that the Commission would try to accommodate public comments throughout the meeting.

2. Licensing of Taxicab advertising on the exterior of vehicle.

Members of the **full commission** and the **audience** were informed by **Interim Chairperson Thompson** that she contacted the General Counsel at the Department of Consumer and Regulatory Affairs' (DCRA) and informed her that licensing of taxicabs advertising on the exterior of vehicles was not codified in the most recent issuance of the Building Code. **FOLLOW-UP ACTION:** **Marceline Alexander** was instructed to follow-up with Jill

Stern, General Counsel, DCRA and report out when the Building Code will be updated to include this information.

3. Meeting with the Office of Adjudication and Hearings

Members of the **full commission** and the public were informed that **Interim Chairperson Thompson** and **Marceline D. Alexander** will be meeting with the Office of Adjudication and Hearings (OAH) to clarify those areas that the **Commission** and **OAH** hold joint authority. **Interim Chairperson Thompson** stated that although adjudicatory responsibility was transferred to OAH, it appears that there were some areas that the **Commission** continue to have overlapping responsibility. **FOLLOW-UP ACTION:** Members of the **full commission** and the public were invited to attend the meeting.

4. Lack of Taxicabs at Union Station during late hours

Interim Chairperson Thompson informed members of the **full commission** and the **public** about a complaint she received from **Councilmember Jack Evans** regarding the lack of cabs at Union Station in late hours. The **Panel** concluded that this was not an inappropriate matter to be considered for action by the panel or the **full commission**---**FOLLOW-UP ACTION: Recommending action:** sending letters to cab companies asking them to get the word out that there is a need for cabs to travel to Union Station and asking hack inspectors to distribute flyers on this issue are being considered as options.

5. Upcoming Budget Hearing and Oversight Hearing

Interim Chairperson Thompson informed members of the **full commission** and the **audience** that **Commission's** budget hearing will be held on April 25, 2007¹ at 10:00 a.m. in Room 412. The **Commission's** oversight hearing was held on March 5, 2007.

Commissioners and Public Comments:

a. **Commissioner Tapscott** asked if the **full commission** would have input on the budget or whether the budget was already established.

b. **Interim Chairperson Thompson** stated that the purpose of the Oversight hearing is to explain how the **Commission** expended money allocated to it in fiscal year 2006. In contrast, the purpose of the March 5, 2007, budget hearing was to discuss the **Commission's** activities and, more specifically, whether the Commission met its mandate(s). She added that the full commission will be briefed and also have an opportunity to provide input on the FY '09 budgets.

6. D.C. Taxicab Appreciation Day

Taxicab Appreciation Day was held in February. The event was sponsored by the Hospitality Alliance. Coffee and sweets were made available to taxi drivers and Councilmember Carol Schwartz issued a resolution which was signed by Council-Chair Vincent Gray.

¹ The date of oversight hearing was changed from April 25, 2007 to April 2, 2007.

C. REPORT FROM THE SECRETARY/GENERAL COUNSEL – ADOPTION OF MINUTES

Following a motion from **Commissioners Tapscott** and second by **Commissioner Pahwa**, the December 13, 2006, minutes from the full committee meeting was approved by the **Commission**. **ACTION TAKEN:** Upon **Commissioner Pahwa's** motion **Commissioner Tapscott's** second, the **full commission** unanimously voted to wait until the next regularly scheduled regular Commission meeting to vote on the February 14, 2007, minutes.

D. REPORT FROM THE PANEL ON CONSUMER & INDUSTRY CONCERNS - ADVERTISING ON RECEIPTS GIVEN TO PASSENGERS

The Panel on **Consumer and Industry Affairs** (Panel) considered a request for the **Commission's** position on advertising on receipts given to passengers. The Panel recommended that the **Commission** not take a position on the issue reasoning that the only interest of the Commission should be to ensure that receipts contain the information required under the District of Columbia Municipal Regulations. **ACTION TAKEN:** On **Commissioner Travis'** motion and **Commissioner Pawha's** second, the Panel's recommendation was approved.

Commissioners and Public Comments:

Mr. Yanal Beshia asked whether taxi drivers were allowed to advertise on receipts provided that the company that is advertising includes all the necessary information on receipts. **Interim Chairperson Thompson** responded in the affirmative. **Commissioner Tapscott** asked **Mr. Beshia** how he planned on distributing receipts and whether he was trying to get money for them. **Mr. Beshia** stated that he would distribute receipts by either mailing them to taxicab drivers or distributing them on the streets at the end of the month. He also stated that depending Commission recommendations, he would either give coupon books to drivers for free or offer drivers \$5.00 or \$10.00 for a coupon book as incentive for using them.

E. REPORT FROM THE PANEL ON RATES AND RULES

1. Zone Map

The **Panel on Rates and Rules** (Panel) raised a number of concerns about the new zone map and concluded that more work needed to be done with it. **FOLLOW-UP ACTION:** **Interim Chairperson Thompson**, with the consent of the **Panel**, will contact the designer of the map to see if the Panels suggestions could be incorporated in the map. Once the suggested changes are made, the **Panel** will consider the map and make a recommendation to the **full commission**. **Interim Chairperson Thompson** informed the **full commission** and the **public** of the **Panel's** three main concerns about the map. **Commissioner Travis** added that the **Panel** also wanted to make sure that the map contained more specific landmarks throughout the city and the map was not considered a tourist map versus an industry map.

2. Use of Taxicabs by Handicapped passengers using motorized wheelchairs

The **Panel** considered how the **Commission** could better facilitate the use of taxicabs by handicapped passengers using motorized wheelchairs. Currently, the District has no taxi cabs equipped to transport persons using motorized wheelchairs. Consequently, persons using motorized vehicles must contact the Office of Taxicabs to arrange for taxicab service by Maryland and Virginia taxi cabs. The **Panel** recommended that the matter go before the **full commission** for vote on whether the **Commission** should issue a rulemaking that requires handicapped individuals to register with the DCTC to get a ticket issued by the DCTC, which will allow them to get out of state handicapped accessible vehicles without notifying the DCTC in advance.

Commissioners and Public Comments:

- **Commissioner Heinemann** commented that there must be an easier way to address the problem. He suggested that the **Commission** survey the types of identification disabled persons have and then determine if any of them are acceptable.
- **Commissioner Tapscott** inquired about the fares that out of state companies would be allowed to charge. He warned against misleading people that drivers are going to be able to handle a motorized chair. He also pointed out that insurance policies prohibit drivers from putting their hands on passengers. He stated that a determination has to be regarding the fares taxi drivers will be permitted to charge to provide this service. He also stated that he had no knowledge of the Commission ever voting to authorize Virginia or Maryland taxicabs to come into the District to provide services to persons with motorized wheelchairs.
- **Commissioner Travis** informed the **full commission** and audience about another mechanism in place which allowed disabled persons to make arrangements directly with companies if they registered with the Commission.
- **Darrell Smith, a taxi driver** stated that he felt it is wrong to invite people into the District to do business when they haven't paid fees for certificates and licenses. He also suggested that the District offer subsidies to taxi drivers providing this service.
- **Interim Chairperson Thompson** stated that the long term plan of the **Commission** is to provide services to disabled persons in the District regardless of whether they have collapsible or motorized wheelchairs. **FOLLOW-UP ACTION:** She also recommended the creation of a taskforce with industry representatives and advocates whose charge is to come up with recommendations on how to address concerns raised by persons with disabilities. If it is determined that this service still cannot be provided because it needs to be subsidized, then a formal recommendation needs to go to the Council for the District of Columbia. **ACTION TAKEN:** On **Commissioner Baker's** motion and **Commissioner Travis'** second, the **full commission** voted to authorize the **Interim** Chair to bring a plan back to the **full commission** that would facilitate the transport of persons in motorized via taxicab.

F. COMMUNICATION FROM COMMISSIONERS

1. Commissioner Tapscott - Taxi Stands

Commissioner Tapscott asked when the **full commission** would examine the placement of taxi stands and one-way signage in the District of Columbia. These matters were previously under consideration by the **full commission**, but apparently fell off the radar screen. **Interim Chairperson Thompson** recommended that these issues be presented to the **Panel on Rates and Rules**. Drivers and other representatives will be given an opportunity to appear before the **Panel** and make recommendations on this issue and the **Panel** would make recommendations to DDOT about the placement and removal of signs.

2. Commissioner Travis - 24 hour Information Line

Commissioner Travis inquired about the status of the 24 hour information line. She stated that the full commission needed a 24/7 informational line that could provide information covering a wide range of topics including: zone rates; how to file a complaint; upcoming full commission meetings and public hearings; and, the status of pre-licensing tests. The public could leave suggestions on how the **Commission** could improve services and drivers could also use the information line to offer suggestions on how to improve the industry.

Interim Chairperson Thompson stated that the **Commission** does not have resources to purchase 24 hour information service line or hire additional staff. However, she is looking to address these concerns by making utilization of the though the District of Columbia's city wide call center number---727-1000, complying with Mayor Fenty's Customer service requirements and coordinating **Commission** announcements with DPW and DDOT. The **Commission** is also sending out Frequently Asked Questions as a means to get information to our drivers and the public.

G. COMMUNICATION FROM THE METRO POLICE DEPT – OFFICE OF POLICE COMPLAINTS

Mr. Philip Eure, Executive Director, Office of Police Complaints (OPC) appeared before the **full commission** to discuss the functions of the OPC. OPC is an administrative agency independent of the Metropolitan Police Department. It is responsible for receiving, investigating and adjudicating complaints from citizens regarding interactions with the Metropolitan Police Department. OPC also has a separate mediation program and independent investigatory authority. Decisions are binding on the police department. The agency handles six (6) types of complaints: harassment; use of excessive or unnecessary force; use of language or conduct that is insulting or intimidating; discriminatory treatment; retaliation; and, failure to wear or display required identification or identify oneself by name and badge number when requested to do so by a member of the public. In addition, OPC has authority to issue policy recommendations to the Chief of Police, Council for the District of Columbia and the Mayor. Mr. Eure also left agency brochures.

H. COMMUNICATION FROM THE COMMISSIONER OF INSURANCE

Mr. Thomas Hampton, Commissioner (Insurance Commissioner Hampton), **Department of Insurance Securities and Banking.** Mr. Hampton clarified the type of evidence taxi drivers need to establish they have insurance. Currently, drivers show a receipt to establish that they have insurance. However, **Insurance Commissioner Hampton** stated that he brokered an agreement with the insurance companies that called for them to issue insurance cards to drivers. He stated that he would push insurance companies to honor this agreement and issue cards. Under the terms of the agreement, insurance companies would be responsible for contacting the Department of Motor Vehicles and letting them know when a policy is cancelled or not renewed. **Insurance Commissioner Hampton** attributes part of the problem to the fact that a majority of the drivers are still going through the cab companies to get their insurance. **FOLLOW-UP ACTION:** He pledged to work hard to require that insurance companies not only issue policies to drivers, but also issue six-month cards.

Insurance fees were the next topic of discussion. According to **Insurance Commissioner Hampton**, although some drivers are paying as much as \$66.00 bi-weekly, insurance fees for taxi drivers should be in the neighborhood of \$35.00 to \$40.00. This is the maximum amount a driver should pay bi-weekly. Insurance companies were notified that they cannot tie insurance to other types of fees such as repair fees, radio fees, etc. **Insurance Commissioner Hampton** is aware that this is a continuing problem and pledged to work with the **Commission** to address this problem.

The last issue addressed by **Insurance Commissioner Hampton** concerned Councilmember Mendelson's legislation, which sets minimum levels of insurance coverage that drivers must carry. Bill 16-53 "Taxicab Insurance Amendment Act of 2005" increases the minimum standards of insurance coverage for taxicabs (\$50,000 for bodily injury or death, \$25,000 for damage to property, and \$100,000 for bodily injury or death, and \$25,000 for damage to property for all judgments, and \$5,000 medical coverage per person, and allows taxicab insurance to be sold by non-admitted companies through brokers pursuant to the Fire and Casualty Act. According to **Insurance Commissioner Hampton**, the purpose of the legislation is

Comments from the Commissioners and the Public

Commissioner Pahwa suggested that the Commissioner consider going back to issuing stickers as a means to address problems drivers are having with insurance. However, **Mr. John Bugg, Washingtonian Cab Number 1**, responded that stickers could be purchased at a discount rate of \$10.00 at the bus station.

I. COMMUNICATION FROM THE PUBLIC

1. Interstate Issues

Ronald Bethea, independent owner/operator of taxicab 232, asked that the **Panel on Rates and Rules** also address the issue of interstate fares. He informed members of the **full commission** and the **audience** that he received a \$145.00 ticket for driving on I-66 after picking up a passenger from the bus station and transporting her to Boston and then to Dulles Airport. He asked that the D.C. Department of Motor Vehicles and the D.C. Department of

Transportation notified that the entire interstate inbound is HOV between 6:30 a.m. and 9:30 a.m. Therefore, drivers transporting passengers to Dulles and heading back via I-66 will be issued a ticket unless they have two people in the vehicle. He also asked that the **Commission** send a letter to the State of Virginia requesting that tickets not be issued to drivers who have information on his or her manifest that reflects that s/he is traveling to Dulles or Boston. **FOLLOW-UP ACTION:** **Interim Chairperson Thompson** responded that issue would be raised at the next Regional Taxicab Regulators Task Force meeting.

2. Business Loans Available to Drivers

Michelle Wilson, ECDC Enterprise Development Group, appeared before the **full Commission** to provide information about small business loans offered by ECDC Enterprise Group (ECDC), a private non-profit entity working with the Small Business Administration to work with minority small business owners. Small business loans are available to up to \$35,000. Interest rates are 10.25 to 14.25 percent.

3. Wheelchair Accessible Vehicles

Ronald Bethea, President of Sedan Service Plus, a non-profit group stated that his organization has been working for the last six years to secure financing for taxicabs, limousine drivers, cab companies, and limousine companies that are interested in putting on wheelchair necessities, taxicabs or wheelchair-accessible limos. He announced that the Successful Taxi Service subsidy pilot program has been launched nationally. The District of Columbia and Prince George's County are specifically targeted to receive grants to assist them in purchasing new vehicles. \$81 million has been budgeted in **fiscal year** (FY) 2007 to support the program. \$87.5 million has been budgeted for FY 08 and \$92.5 for fiscal year 2009. According to Mr. Bethea, eligible taxicab companies or taxicab drivers can obtain grants which cover 80 percent of the purchase price of the new vehicle. Vehicles run about \$40,000.00. However, the Federal Government has stipulated that it will maintain a lien on the title of the vehicle for four years, 100,000 miles or four years, whichever comes first. The program will provide subsidies for insurance, training and marketing. Stipends will also be given to drivers while they are in training.

Mr. Bethea also informed the **full commission** and the public that April 19, 2007, is the deadline for submitting proposals to the 53-10 Program. The 53-10 Program comes under the D.C. Department of Transportation. This program has been used in the past to assist senior citizen homes as well as other non-profit entities to get wheelchair-accessible 16-passenger vans. However, this year the funding will be available to cab companies and drivers because of the dire need for wheelchair-accessible vehicles. Sedan Service Plus is spearheading a program with the Small Business Development Center at the University of the District of Columbia called the Taxicab and Limousine Upward Mobility Program. **Mr. Bethea** is working with **Mr. Calvin Johnson**, to see if we will be able to get the lenders to look at lending those cab drivers or cab companies the remaining 20 percent down so they will have matching money to qualify for the grant. Drivers and companies will not have to repay the funds (80 percent) they receive under the grant. However, they are responsible for securing the balance of 20 percent. Mr. Bethea's contact number is 202-246-4924. His email address is Origins11@netzero.com

Philip Lebet, a driver, asked whether the \$40,000.00 projected cost of for the vehicle includes cost for conversion. **Mr. Bethea** responded that the projected costs for such a vehicle included the conversion fee.

4. Request for Fuel Surcharge Increase

Mr. John Bugg, Washington Cab No. 1 asked that the Commission do something to address increases in gasoline prices. According to **Mr. Bugg**, gasoline has gone up 25 cents in the last two weeks and the last fare increase given to drivers never addressed the economical side of the taxicab industry. **FOLLOW-UP ACTION:** **Interim Chairperson** Thompson stated the Commission is monitoring gasoline rates and will undertake an analysis to determine whether there should be a surcharge or a rate increase.

J. ADJOURNMENT OF THE FULL COMMISSION MEETING AND PUBLIC HEARING

Public Hearing Proposed Rulemaking- Amendment to Chapter 1 of Title 31 DCMR, 31 DCMR § 111.3

Interim Chairperson Thompson read proposed rulemaking which changes the number of Commissioners required for the Chairperson to obtain approval for ceremonial action when a Commission special or regular meeting is not feasible from seven (7) to a majority of the Commissioners in office. No comments were received from the public.

K. NEXT MEETING

Interim Chairperson Thompson adjourned the meeting at 12:39 PM and announced that the next meeting of the full commission will be on Wednesday, April 11, 2007 at 10:00 a.m.